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cc: Leslie

BLM

**United States Department of the Interior  
Bureau of Land Management**

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**Decision Record  
Environmental Assessment  
DOI-BLM-UT-W010-2012-0010-EA**

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**January 2014**

**Kiewit Mine Project and Plan of Operations Approval  
U-87834**

***Location:*** Tooele County, Utah

***Applicant:*** Desert Hawk Gold Corporation  
7115 North Division Street, Suite B#351  
Spokane, WA 99208

**RECEIVED**

**JAN 29 2014**

**DIV. OF OIL, GAS & MINING**

Salt Lake Field Office  
2370 South Decker Lake Blvd  
West Valley City, Utah 84119  
Phone: (801) 977-4300  
Fax: (801) 977-4397





**DECISION RECORD**  
**Environmental Assessment**  
**DOI-BLM-UT-W010-2012-0010-EA**  
**Kiewit Mine Project**

The Bureau of Land Management (BLM), Salt Lake Field Office (SLFO) has conducted an environmental analysis to assess the potential impacts associated with the proposed Kiewit Mine Project (the Project). The environmental analysis is documented in the Kiewit Mine Project (U-87834) Environmental Assessment (EA) (DOI-BLM-UT-W010-2012-0010-EA).

The Kiewit Mine Project is an open pit gold mine situated in the Clifton Hills in western Tooele County, Utah. The Kiewit Mine will be developed on public land administered by the BLM, SLFO within several federal lode mining claims. These lands are subject to location under the mining laws of the United States. Pursuant to Federal regulations at 43 CFR Subpart 3809, which apply to operations authorized by the mining laws on public lands, Desert Hawk Gold Corporation submitted a Notice of Intention (NOI) to Commence Large Mining Operations/Plan of Operations (Plan) for the Kiewit Mine Project to the Utah Division of Oil, Gas, and Mining and the BLM. The NOI/Plan essentially represents the Proposed Action in the EA.

Desert Hawk has proposed a surface mine and processing facilities utilizing the Kiewit and Clifton Shears deposits. The mined material will be processed at the Kiewit cyanide heap leach pad which will be located on private lands near the Clifton Shears Mine. The three areas of operation will be the Kiewit Mine, the Clifton Shears Mine, and the Processing Facilities/Cyanide Heap Leach. There will be associated ancillary/support facilities or components, such as haul roads, fencing, signing, and monitoring wells. Mining, processing, and leaching are anticipated to be completed in six (6) years. After closure of the Project, reclamation activities are expected to be completed after three (3) additional years. Therefore the life of the Project is expected to be a total of nine (9) years. The lands that will be disturbed within the Project Area total 104.5 acres, including 58.5 acres on private land, 3.4 acres on School and Institutional Trust Lands Administration (SITLA) land, and 42.6 acres on public lands managed by the BLM, SLFO. Some of the Project land has been previously disturbed by historic exploration and mining. For a detailed description of the Proposed Action refer to the EA (at section 2.2).

**Decision:** It is my decision to authorize the Proposed Action submitted by Desert Hawk Gold Corporation for the Kiewit Mine Project, as described in the Proposed Action Alternative (Selected Alternative). I approve the Plan of Operations subject to certain conditions imposed to ensure the operation meets the performance standards outlined in 43 CFR 3809.420 and does not result in unnecessary or undue degradation of public lands. Design features and procedures are included in the NOI/Plan documents and Conditions of Approval (COA). This decision also constitutes concurrence with Desert Hawk's use and occupancy of public lands as described in the approved Plan. Desert Hawk must maintain compliance with the Use and Occupancy regulations at 43 CFR 3715.2, 3715.2-1, and 3715.5 throughout the duration of the approved Plan of Operations.

**Authorities:** The authority for this decision is contained in the 1990 Pony Express Resource Management Plan (RMP), the General Mining Law of 1872, the 43 CFR 3809 Surface Management Regulations, the 43 CFR 3715 regulations (Use and Occupancy Under the Mining Laws), and the Federal Land Policy and Management Act (FLPMA) of 1976.



**Compliance and Monitoring:** The Kiewit Mine Project plan of operations will be monitored in accordance with applicable policies for the 43 CFR 3809 regulations. The current requirement for the BLM is to conduct at least two inspections per year. Additionally, the Utah Division of Oil Gas and Mining (UDOGM) will make regular inspections as required by their regulations.

Water monitoring wells will be installed down gradient of the process area and monitored and/or sampled according to Utah Department of Water Quality Ground Water Discharge Permit requirements.

There are two known National Register of Historic Places (NRHP)-eligible cultural resources in the Project Area; these will be avoided by haul route improvements (i.e. turnouts or widening). At the discretion of the BLM archaeologist, an archaeological monitor will be present for any activities in the vicinity of NRHP-eligible sites.

Project activities will be conducted in compliance with the Wildlife Management Plan provided in Appendix XXIV, Supplement 2 to the NOI/Plan to comply with the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act and BLM Sensitive Species Manual 6840. Construction monitoring will be conducted by Environmental Inspectors and Biological Monitors to ensure adherence to the proposed mitigation measures.

**Terms/Conditions/Stipulations:** Potential impacts are mitigated through environmental commitments which are integral to the Proposed Action. These protective/mitigation measures are incorporated into Desert Hawk's NOI/Plan. The Proposed Action also incorporates the requirements of all applicable federal, state, and local laws, regulations, and permits as specified in Section 1.5 of the EA, and all applicable management actions prescribed in the BLM land use plan, including best management practices, standard operating procedures, and stipulations. Additional mitigation measures regarding blasting are identified and described fully in the EA.

The conditions of approval include the Environmental Protection Measures identified in the EA (Section 2.2.6) and incorporated into the Plan of Operations (Appendix XXIV, Supplement 2) as well as specific environmental commitments and standard conditions incorporated into the Proposed Action.

#### **Air Quality**

Under the conditions described in the air permit, water will be applied during operations to control fugitive dust levels on access roads and the mine sites. Desert Hawk will comply with all conditions and requirements in the Approval Order from the Utah Department of Environmental Quality, Division of Air Quality (DAQ).

As required, best available control technology (BACT) will be implemented for each operation at the facility.

Emissions from diesel generators will be minimized through the use of low-sulfur diesel fuel (which is required under the DAQ Approval Order) as well as proper use and maintenance.

#### **Soils**

Water bars will be installed on roads where slopes exceed 10 percent.



## **Wildlife**

The Wildlife Management Plan (Plan of Operations, Appendix XXIV, Supplement 2) that was developed during the NEPA analysis includes specific stipulations and mitigation measures. This plan is developed for the construction, operation and maintenance for the life of the project and added to the Kiewit Mine Operating Plan.

The heap leach facility, pregnant pond, and barren pond will be fenced with 6-foot high (4-foot hogwire with 2 strands barbed wire above) to protect wildlife from gaining entry to these areas.

The pregnant pond and barren pond will be netted to exclude birds and bats. The netting mesh size will be 5/8 by 3/4 inch.

In the event that water in the storm water pond does not rapidly infiltrate or evaporate, and becomes an attractant for birds, floating plastic balls will be installed on the pond.

Escape ramps for wildlife will be provided in trench areas to prevent entrapment.

The BLM and U.S. Fish and Wildlife Service (USFWS) will be contacted to report injury or fatality of birds, active nests, or young (document with photo).

The BLM will receive an electronic annual report of any sensitive species fatality caused by mining operations which include (bats/birds falling into cyanide ponds, nest abandonment from blasting and mining operations).

Blasting will not occur when big game and other wildlife are within line of sight of the blasting area until the animals have moved through the area.

During the migratory bird breeding season (March 1-July 15) monthly surveys will occur to identify active raptor nests (within 0.5 mile radius of the project area) or ground nesting birds (75-yard radius of project area). Any active nests will be protected until the young have fledged the nest.

## **Non-native Invasive Species and Noxious Weeds**

Prior to project initiation, all operations-related equipment will be cleaned of soils, seeds, vegetative matter, or other debris or matter that could contain or hold non-native invasive and noxious weed seeds. Equipment will also be cleaned any time thereafter if the equipment leaves the Project Area, is used on another project, and reenters the Project Area.

A certified weed-free seed mix, approved by the BLM, will be used during reclamation activities.

Periodic (twice yearly during the growing season) inspections for noxious weeds will be conducted during operations, closure, and reclamation, followed with approved control efforts when needed. Routine BLM inspections will also include invasive species to ensure compliance with these requirements.

## **Stabilization and Rehabilitation**

Topsoil will be scraped and stockpiled and conserved for revegetation efforts following mining operations. Interim seeding with an approved seed mixture will be conducted to discourage weed growth and erosion.



All trash, refuse, and fuel/oil spills will be cleaned up and removed from the Project Area and disposed of at an approved disposal site, such as the Wendover Landfill.

#### **Livestock Protection**

The integrity of any livestock gates, fence, cattle guards, and water pipes in the Project Area will be maintained during mining activities. The heap leach facilities, process area, and process pond will be fenced to exclude livestock.

#### **Wildfire**

All project personnel will have fire-fighting tools and extinguishers available at all times for use if the occasion arises.

Project personnel will adhere to any BLM fire prevention requirements.

#### **Cultural Resources**

The cultural resources inventory conducted for this project identified two historic properties. It was determined that mitigation of any adverse effect to these historic properties (as defined in 36 CFR 60) will be accomplished through avoidance. The Utah State Historic Preservation Office concurred with this determination.

#### **Public Safety**

Appropriate warning signs will be posted in locations where potential public access is available to the mining areas. The area will be signed (posted) to advise the public as to the existence of the mining operation, periodic blasting, and hazardous chemicals. These signs will be removed upon completion of reclamation when all hazards are removed.

The crusher area, heap leach pad, leach pad, and processing facility area will be fenced and gated to prevent public access. This area within the larger mine area will also have warning signs posted.

Before blasting occurs, the blast foreman will sound a warning siren to alert all personnel of an impending blast; at which time all personnel and equipment will be removed from the blast zone. Before blasting, all roads that need to be blocked will be blocked in accordance with applicable regulations.

#### **Hazardous Materials and Wastes**

Covered dumpsters located on-site will contain all refuse. Refuse will be removed on a regular (weekly to bi-weekly) basis to an approved County landfill, such as the Wendover Landfill.

Liquid cyanide will be hauled to the site in double-walled tanker trucks by specially trained and experienced Cyanco drivers; it will be stored onsite in a 12,000-gallon cyanide tank within a containment area with a 110-percent holding capacity.

#### **Utah Test and Training Range (UTTR) Airspace**

The site will be unmanned during Cruise Missile testing which takes place 6 times a year from 0600 to 1200 hours (6 am to noon) local time with back-up days for weather.

The mine waste rock piles will be restricted to a height no greater than 99 feet above ground level.



If a manned or unmanned UTTR vehicle impacts on the mine site, UTTR will have access for emergency response and recovery of Department of Defense property. The UTTR will be made aware if there are any special concerns or equipment needed in an emergency response/recovery particular to the cyanide cleaning process.

#### **Plan of Operations Conditions of Approval**

1. Approval of this Plan by the BLM does not constitute a determination regarding the validity or ownership of any unpatented mining claims involved in the mining operation.
2. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the operator, or any persons working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Operator shall suspend all operations in the immediate area of such discovery until written authorized to proceed is issued by the authorized officer to determine appropriate action to prevent the loss of significant cultural or scientific values. The operator will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the operator.
3. The project site shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
4. Mining wastes: All tailings, dumps, deleterious materials or substances, and other waste produced by the operations shall be disposed of so as to prevent unnecessary or undue degradation and in accordance with applicable Federal and state Laws.
5. The operator shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, operator(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the project area. Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
6. Reclamation of the site shall be initiated within six months of completion of operations. The project site will be reclaimed as described in the approved Plan of Operations. Any changes in the reclamation plan may not take place without prior approval by the Authorized Officer.
7. The operator shall conform to the applicable Performance Standards under 43 CFR 3809, Surface Management, Section 3809.420.
8. During activities in the project area, the operator or its contractors shall:
  - a. Operate all internal and external combustion engines (including off-highway vehicles, generators, heavy equipment, etc.) with a qualified spark arrester that is maintained and not modified.
  - b. Maintain and clean all equipment regularly to remove flammable debris buildup.



- c. Carry shovels, water, and fire extinguishers that are rated at a minimum as ABC - 10 pound on all equipment and vehicles.
  - d. When welding, grinding, cutting or conducting other similar, spark producing work, choose an area large enough to contain the sparks that is naturally free of all flammable vegetation or remove the flammable vegetation in a manner compliant with the permitted activity.
  - e. Initiate fire suppression actions in the work area to prevent fire spread to or on federally administered lands. If a fire spreads beyond the capability of workers with the stipulated tools, all will cease fire suppression action and leave the area immediately via pre-identified escape routes.
  - f. Call 911 immediately or notify the Northern Utah Interagency Fire Center at 801-495-7601 immediately of the location and status of any escaped fire, AND Notify the BLM Salt Lake Field Office at 801-977-4300 immediately of the incident.
- 9. All unpaved roads and other unpaved operational areas shall be water sprayed and/or chemically treated with calcium chloride, magnesium chloride, or equivalent to minimize fugitive dust as conditions warrant.
  - 10. To the extent practicable, the operator shall protect all survey monuments, witness corners, reference monuments, bearing trees and line trees against unnecessary or undue destruction, obliteration or damage. If, in the course of operations, any monuments, corners, or accessories are destroyed, obliterated, or damaged by such operations, the operator shall immediately report the matter to the authorized officer. The authorized officer shall prescribe, in writing, the requirements for the restoration or reestablishment of monuments, corners, bearing and line trees.
  - 11. The operator and their contractors shall power wash their equipment and vehicles if they are taken to another site outside the project area and equipment and vehicles shall be power washed prior to being returned to the site.
  - 12. Per Utah Division Water Rights, the operator must not exceed the 400 acre-feet per year water allocation from the groundwater supply well associated with the Kiewit Mine Project.
  - 13. Desert Hawk is responsible for obtaining any use rights or local, state, or Federal permits, licenses, or reviews that may be required for the operation. Prior to beginning operations, the operator must provide a copy of all pertinent permits and authorizations to this office. These permits shall attach to and become part of the Plan of Operations.

**Plan Conformance and Consistency:**

The Proposed Action has been reviewed and found to be in conformance with the Pony Express RMP (BLM 1990) and the associated decision, Minerals Program Decision 5.

The Project is located in part on public lands administered by the BLM which manages locatable mineral extraction under BLM Surface Management Regulations (43 CFR 3809) and Use and Occupancy Under the Mining Laws (43 CFR 3715). In addition, UDOGM regulates and provides oversight for mineral extraction in the state of Utah. The Project will be in compliance with part R647-4 of the Utah Mineral Reclamation Program Rule. Reclamation surety will be provided under agreement between UDOGM and the BLM.



The Project is in conformance with the Tooele County General Plan (Tooele County 1995), which allows for responsible use of public land resources. The Project Area and adjacent lands are designated as multiple use land under the Tooele County Land Use Ordinance (Tooele County, no date). The multiple use designation allows for, where appropriate, mining activities (Part 15-1-1).

**Alternatives Considered:** In addition to the Proposed Action, the BLM considered the No Action Alternative. The environmental analysis documented in the EA shows that the Proposed Action will result in minor environmental impacts and will not cause unnecessary or undue degradation of public lands, thereby precluding the need to select the No Action Alternative. Given the Finding of No Significant Impact, the No Action Alternative was not selected because the No Action Alternative does not meet the purpose and need for this project.

The BLM has selected the Proposed Action Alternative.

**Rationale for Decision:**

- 1) Current policies for development and land use decisions regarding federal minerals within this area are contained in the Pony Express RMP EIS and Record of Decision (BLM 1990). Mineral exploration and development is recognized as an appropriate use of public lands in the Pony Express RMP which provides management direction for BLM-administered lands in and surrounding the Project Area.
- 2) The decision is consistent with federal, state, and county authorizing actions, which are required to be implemented as part of the Selected Alternative. All pertinent statutory requirements applicable to this proposal were considered including informal consultation with the U.S. Fish and Wildlife Service (USFWS). Cultural surveys and compliance with Section 106 of the National Historic Preservation Act has been completed.
- 3) Potential environmental impacts from the Kiewit Mine Project to surface and subsurface resources identified in the Environmental Assessment are considered minor and all deemed acceptable with mitigation. The economic benefits derived from the implementation of the Selected Alternative in the form of employment opportunities, equipment, services, and potential revenues should production occur are considered.
- 4) Federal environmental protection laws, such as the Clean Air Act, and the National Historic Preservation Act, apply to all lands and are included as part of the standard the terms and conditions of the NOI/Plan and COA documents. The adoption of these measures identified in Chapter 2.0 and 4.0 of the Kiewit Mine Project EA provide practicable means to avoid or minimize potential environmental impacts.
- 5) Based upon the analysis contained in the EA for the Kiewit Mine Project and with the implementation of the protection measures, I have determined that the proposed action will not cause any significant impacts on the human, natural, and physical environment. Therefore, an environmental impact statement is not required.
- 6) During preparation of the EA, the public was notified of the Proposed Action by posting on the Utah BLM Environmental Notification Bulletin Board (ENBB) on December 29, 2011. The process used to involve the public included a public scoping period when the proposed project was first posted on the ENBB. No comments or inquiries were received by the January 27, 2012 end of scoping period.



A 30 day public comment period for the EA ended March 12, 2013. At the request of several commenters, the comment period was extended until March 20, 2013. Eleven comment letters were received.

#### **List of Commenters**

<b>Name</b>	<b>Type</b>	<b>Date Received</b>
UTTR, Jerry W. Angus, Airspace Manager	Agency	February 27, 2013
USGS, David Naftz, Utah Water Science Center	Agency	March 8, 2013
UTTR, Colonel Richard D. LeBlanc Commander, HQ	Agency	March 12, 2013
USFWS, Utah Field Office	Agency	March 15, 2013
Confederated Tribes of the Goshute Reservation	Tribe	March 19, 2013
Friends of Great Salt Lake, Lynn de Freitas, Executive Director	Group	March 12, 2013
Great Salt Lake Audubon, Heather Dove, President	Group	March 20, 2013
Kris Clawson	Individual	February 15, 2013
Vic Rainey	Individual	February 21, 2013
Matt Seddon	Individual	February 28, 2013
Donald A. Duff	Individual	March 10, 2013

Each letter was carefully reviewed in order to address comments. Revisions to the EA were made in response to some of the comments. The comment and response matrix is presented in Appendix F of the EA. Changes ranged from minor editorial corrections to additional discussion of environmental impacts, none of which resulted in the identification of significant new impacts or affected the scope of analysis.

#### **Appeal Provisions**

##### Appeal of a Decision under 43 CFR 3809 (Operator)

If you are adversely affected by this decision, you may request that the BLM Utah State Director review this decision. If you request a State Director Review, the request must be received in the BLM Utah State Office at P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director Review is pending, unless a stay is granted by the State Director. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Utah State Office to determine when the BLM received the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your Notice of Appeal with the Salt Lake Field Office, located at 2370 South Decker Lake Blvd., West Valley City, Utah, 84119 which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 3809.801(a)(1). Your Notice of Appeal must be filed in this office at 2370 South Decker Lake Blvd., West Valley City, Utah, 84119 within 30



days from receipt of this decision. As the appellant you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA.

This decision will remain in effect while the IBLA reviews the case, unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Appeal of a Decision under 43 CFR 3715 (Affected Parties)

If you are adversely affected by this decision, you may appeal to the IBLA under 43 CFR Part 4. If you appeal this decision, you must file a Notice of Appeal to this office at 2370 South Decker Lake Blvd., West Valley City, Utah, 84119, within 30 days from notification of this decision. As the appellant you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA.

This decision will remain in effect while the IBLA reviews the case, unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Request for a Stay

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by Interior Board of Land Appeals (IBLA), the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal must show sufficient justification based on the following standards:

1. The relative harm to parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

/s/ Kevin E. Oliver  
Authorized Officer

07 JAN 2014  
Date

Enclosure: Form 1842-1





# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

West Desert District Office  
2370 South Decker Lake Blvd.  
Salt Lake City, UT 84119  
ph: (801) 977-4300; Fax: (801) 977-4397  
[www.ut.blm.gov/saltlake\\_fo](http://www.ut.blm.gov/saltlake_fo)



In Reply Refer To:  
3809 (UTW011)

**JAN 28 2014**

Certified Mail No. 7013 0600 0001 8148 0087  
Return Receipt Requested

Rick Havenstrite  
Desert Hawk Gold Corporation  
1290 Holcomb Ave  
Reno, NV 89502

**RECEIVED**  
**JAN 29 2014**  
**DIV. OF OIL, GAS & MINING**

Dear Mr. Havenstrite:

The Salt Lake Field Office (SLFO) of the Bureau of Land Management (BLM) has completed its ~~review of the~~ Kiewit Mine Project environmental assessment (EA) (DOI-BLM-UT-W010-2012-0010-EA). A Finding of No Significant Impact (FONSI) and corresponding Decision Record (DR) have been issued which approves the project and Plan of Operations (Plan) located in Southwestern Tooele County, Utah.

The Plan for the Kiewit Mine Project is approved subject to the conditions of approval listed in the attached Decision Record. Desert Hawk Gold Corporation must conduct operations as described in the Plan and in accordance with the conditions of approval.

The EA, FONSI and DR can be viewed online at the BLM's Environmental Notification Bulletin Board (ENBB): <https://www.blm.gov/ut/enbb/index.php><sup>1</sup>

If you have any questions regarding this notice, or require additional information, please contact Stephen Allen at (801) 977-4360.

Sincerely,

Kevin E. Oliver  
District Manager

Enclosures:

- 1) Kiewit Mine Project U-87834- Decision Record - Environmental Assessment (9 pgs.)
- 2) Form 1842-1 (2 pgs.)

<sup>1</sup> Search the ENBB records by entering "Kiewit" in the Project Name Field. Scroll to the Kiewit Mine Project entry.



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF  
APPEAL.....

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL..... Bureau of Land Management, Utah State Office, 440 West, 200 South, Suite 500, Salt Lake City, Utah 84101-1345

WITH COPY TO  
SOLICITOR.....

Regional Solicitor, Room 6201, 125 South State Street, Salt Lake City, Utah 84111

3. STATEMENT OF REASONS

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO  
SOLICITOR.....

Regional Solicitor, Room 6201, 125 South State Street, Salt Lake City, Utah 84111

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

**Standards for Obtaining a Stay.** Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.



### 43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

#### STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska  
Arizona State Office ----- Arizona  
California State Office ----- California  
Colorado State Office ----- Colorado  
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri  
and, all States east of the Mississippi River  
Idaho State Office ----- Idaho  
Montana State Office ----- Montana, North Dakota and South Dakota  
Nevada State Office ----- Nevada  
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas  
Oregon State Office ----- Oregon and Washington  
Utah State Office ----- Utah  
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

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(Form 1842-1, September 2006)